

## **April 26 2017, Syracuse University Faculty Senate meeting on Koch funded center**

[Chair of Faculty Senate Committee on Research, describing the committee's charge and preliminary findings]

"We've dealt with a lot of things. Now almost everyone of our policy statements begins with, 'Syracuse University values students, we value diversity, we value alums, we value our staff, we value our faculty. We don't actually have a set list of values that work as an overarching [inaudible] of the university. So it is difficult to evaluate whether this money that has come in is in accordance to some sort of fixed set of university values. The second thing, is that one of the things we learned very quickly, is that the money that came in, as the Provost pointed out, are in fact grants, not gifts. Now if you look online, in the publicity related to the money that came in were not consistent. So there are places online where they're described as gifts, so language matters here, and if something is coming in as a grant, at least as I understand it, that's a different process, a different review process, a different kind of vetting. We need to be careful, and I say we as the collective we involved at Syracuse, and how we talk about these things. Okay, as the Provost mentioned, there was one large grant that we focused on primarily that was kind of related to our charge. There are other places on campus that have received money from the Koch foundation. Perhaps the most important thing is that we've been assured by multiple sources, it's been reiterated again today, that the grant related, especially to the larger award, which is what we focused on, met all the required standards for academic freedom, intellectual property rights, transparency, the mutual termination of funding that's standard in any external grant received by SU faculty. It's also our understanding that the sort of large Koch grant that went to a faculty member in Whitman, did not originate in OSP (Office of Sponsored Programs). It originated in Corporate and Foundation Relations, but was ultimately reviewed and approved by OSP. So it didn't begin under the purview of the Office of Sponsored Programs, even though it ultimately ran through it. We also learned that the corporate and foundation component of the of the Office of Development can submit research proposals to foundations and corporate sources. So we had some lingering questions related to that first charge. Here's where I want to, I have a good news, I have an update. So I'm in the process of setting up a meeting with the, let me get this title right, Chief Advancement Officer and Senior Vice President to learn more about how proposals can be submitted through the office of development, and give a better sense of the kind of standards by which they work, and how that office works. So I think this is a very good sign. It's certainly a move in the right direction in terms of sort of opening this up and having some transparency. So I don't know if this is official, and I don't see Bruce to let me know, but I would like to be able to revise, um, this is an interim report, revise that based on our, when we can set that meeting up. So at this point, our committee hasn't seen the contract agreement related to the Koch funding, but it's also worth pointing out that many of us who have external funding, those agreements typically aren't public to begin with. I think that's an important thing to keep in mind. So our second charge was to develop guidelines to help guide future solicitation and acceptance of gifts from donors, because practices might conflict with SU values. One of the things that is clear is that the line between grants and gifts can be blurry at times. And the landscape of funding that's coming into

universities is being more and more complicated. So to address this charge, we tried to review the SU policies that we could identify related to the ethics of giving, and to the ethics of research. We have some tentative recommendations, and again [in] truth, this is sort of a working document we'd like feedback on. These are suggestions based on what we could find. Since there are these two ways that research proposals can get submitted, they seem to operate, initially at least, under different parameters. You know, one of our recommendations be that any funding earmarked for research, discovery, or creation of a scholarship begin in the Office, or run through initially, the Office of Sponsored Programming, or Programs, and be assessed from the start by the standards in place in OSP. That would be at the beginning rather than having OSP brought in at the end. If the senate is interested in learning more about these issues, we also recommend the formation of an Ad Hoc committee. I'll be really honest, our committee has been maxed out this semester with a lot of tasks. There are many questions. We looked at some best practices at other institutions that SU might want to adopt. There's no need to reinvent the wheel here. But if you want to do more on this, we recommend an Ad Hoc committee. We recommend an Ad Hoc committee, in part because some of the research committee will not be here over the summer, but also because this is a big topic, that sort of pushes into other areas. **We also made a recommendation that gifts and grants to establish courses and programs proceed only with approval from the senate committee on curriculum and the graduate program, and that donors not be involved in decision making related to curriculum, selection of fellows, or dissertation topics.** These are beyond the scope of what our committee addresses."

[Question]

I'm Roger Koppl. And I'd like to address exactly this last point. If I understood the report, you're saying you know, it's not reasonable to have oversight over..."

"Are you a senator?"

"No, I'm a faculty member in the college of ..."

"If you're not a senator, you can only address the senate if the senate votes for it."

"If the senate votes for it? So being acknowledged after raising my hand is not..."

"I'm quoting by-laws."

"I move that he be recognized."

"Second!"

"All in favor please say aye."

"Aye!"

“Begin.”

“Thank you. I appreciate it. I do.

So, if I understand what you're saying, the argument here is, okay yea, you're not supposed to have, if I understood the substance of the report, with regard exactly to this last point, overview by the curriculum group, you're sort of acknowledging and sort of affirming the principle that the senate should not be somehow reviewing research grants if it's been properly vetted through OSP, the Office of Sponsored Programs, but if there is a curricular component, then suddenly it is appropriate to have a supervisory or advisory role. Now, I don't understand what principle would cause there to be a distinct between the two parameters of a grant one might receive. It was my understanding that the principle of academic freedom deals both with one's research as well as one's teaching. So can you explain why the asymmetry there.”

“So I think this is a good point, and this went maybe a place where our language is slippery as well. So we are talking about donors, right? Our initial charge was both kind of gifts and grants, with that slipperiness to begin with. So when you're thinking about donors, we're not thinking about money that has come in through grants in that way, it would be more of gifts. Does that make sense?”

Koppl: “I don't think I was making anything about the distinction between gift and grants, I thought my question was more about the difference between academic freedom with regard to one's research, and academic freedom with regard to one's teaching, with regard to one's interactions with students?”

“If I may clarify something? Senate committee on curriculum, always has, and will have, oversight over curriculum. So that's nothing different. While the senate committee on research, does not have any oversight on research topics, the Senate committee on curriculum does have oversight. Very strong oversight.”

“So if that's the case, that third recommendation might be redundant, if that's kind of built into the structure of how curriculum would work.”

Rupert: “My understanding is that the Senate's, I'm Mark Rupert, from political science. My understanding is that the Senate's responsibility as regards curriculum and programs is an essential part of shared governance in the institution, and I believe that if the Senate is going to fulfill its responsibilities in terms of shared governance when it is called upon to approve of curriculum that is governed by an agreement that the senate has not seen and has not been shared with senators, it's not clear to me how we can in good faith fulfill that responsibility to the institution. So it seems to me not just a question of academic freedom, and I agree that we should not be second guessing our colleagues research topics or funding sources. I don't want people doing that to me, and I won't do that with my colleagues. But, we do have a responsibility to review and approve new programs and curriculum, and this grant specifically calls for a new

program in political economy, and presumably, at some point, that will appear before the senate, and we will be asked to vote on it. So to my mind, the question is, will we be doing that in a fully informed way, which has involved consultation with senate committees which have seen the agreement which governs this program, or will we be asked to rubber stamp something we have not seen? If the latter, then I think we're doing a disservice to ourselves and our institution, and in our shared governance."

"I'm going to follow up directly on this [inaudible]. The reason why this issue came up at all is because the Koch foundation's grants and gifts at many other institutions have come under question. And, in every instance, the declaration was first made that they are in no way in contradiction with academic freedom. It was only after the documents were requisitioned at public institutions with freedom of information acts, and actually reviewed, that contradictions with academic freedom were made visible. That happened at every place. If there's no problem with these contracts, I don't see why they can not be made public. I would make public any grant, let anybody in this room see any agreement I've ever received. Ask me. I will publish it in the DO (Daily Orange). Anybody that has any agreement that clears, that in no way contradicts with academic freedom should feel exactly the same way. They should want to be sure that their colleagues are protected by academic freedom. This is a collective, not an individual decision. You can't decide just yourself, this is academic freedom for me. It has to actually conform to academic freedom for everyone. It can not in any way, as other Koch grants have made clear that they demanded, can not say what syllabus has to be used, what books have to be used. You can not have control over graduate student research projects. This has been done at other institutions without, it's been well documented. If there is no problem here, great! No one will be happier than me, but the document needs to be made available as it has been at other institutions."

"So, I'm Peter Vanable, dean of the Graduate School and vice president for Research. Thank you for making the [inaudible] conversation with Kate Leonard and also with Tom [Chack], who chaired the committee, who I think declined to consider the case, some concerns about infringing on academic freedom, or that the case itself [inaudible]. I want to kind of generally, [] this point. I don't disagree in some respects with people's curiosity about the nature of grant agreements generally and this one in particular, but I disagree fundamentally with the notion of picking out a single grant agreement and calling upon individual faculty members, your colleagues, to essentially demand that it be reviewed based on concerns that a subset of faculty have about the values of the funder. That's a slippery slope that our university has avoided until this [inaudible]. While I guess with the integrity of our review process, I [inaudible] at the Office of Sponsored Programs, [inaudible] their fantastic job, and expert contract negotiation. I can say from personal experience that new investment, when I was an assistant professor, I received a grant from a controversial funding source too, [inaudible] Pharmaceutical, and I was nervous that my colleagues would look down on me for taking money from pharmaceuticals. It happened that the grant was address an important public health challenge and the project was a great success. Stew [?] when he saw that [inaudible] recognized the perk, that asked them for restrictions on publication rights, and advised me to strike that from the contract, and I did, and

we still agreed to the contract. That basic approach to regulatory oversight that we're talking about is in place and is functioning well. Right now the situation's difficult, because we have a colleague who is essentially being questioned in terms of her integrity, and really frankly, [inaudible] review process for grants. And so I'd comment that [inaudible] academic freedom []. But I've also said that it's the PI's choice to disclose agreements. And so, envision for those of you who brought in any big grants, a colleague then asks to see grant agreements. You'd probably want to say 'well what do you want to do with 'em? What are you asking?' And then you might say 'yea, let's look and let's talk [inaudible]'. This particular grant in question addresses a full set of good questions that are keeping full professors here at work, for the same private donor. The folks we're talking about right now has the potential to stymie a fabulous faculty member in the litmus here. And so, our process is, I understand people's sentiment and concerns about the Koch foundation. Often, the foundation can tell them [inaudible] it is the case that some funders want to be with a person, with, at a university we want to go down that path, of saying which ones are the ones that some subset of faculty values, that's a really dangerous path."

"[inaudible] Addressing Mark's and Crystal's points [inaudible], in terms of curriculum, I mean we do, we can't teach a course until it's approved except on a provisional basis. I think that's an important principle, and we need to maintain it. I'll speak to a situation, I'm a co-PI on a large grant where we put in syllabus and course proposals as an educational and a research kind of mix, and submit it to the National Science Foundation, and we did not take it to the senate for course approval before we submitted it. I don't think that was the role, once it's, because we can not wait for a year for the senate to approve things [laughter, inaudible]. So I think one of the things I'm concerned with a little bit in terms of this discussion, [inaudible] I hear a lot of the finer points to be made, others have put into this, is the idea of prior restraint, the assumption here that everything has to be vetted before it goes through. And I think that, you're talking about the OSP needing to clear the grant once it's approved. If it's appropriate for the senate then to approve courses afterwards, that's fine, but we shouldn't make assumptions and pick ahead of time."

"And I think that's a place where we need to clarify. In my layperson's language, when I'm thinking about a donor, that is more a gift than what you're.."

"Well it says gifts and grants here in part three. It is an important point that people be able to ask for things without having to.. "

[17:20]

"I think that taking that word 'grants' out of there is absolutely essential. I have a Department of Education personal prep grant, so called training grant, okay. The announcement comes out five weeks before the grant is due. It requires that I name something, a program, but it's still our regular graduate program, but I have to add a course to it, etcetera. It's a benefit of our university. Do I agree with everything the Department of Ed says? No. Do I agree with everything the Office of Special .. No. There is the other issue that's been raised, of well, why

shouldn't I share this? Because, I'm in competition with a lot of other universities. And, if I am doing research which involves perhaps proprietary information from a corporation or from the military, where we also receive funding. I can't share that information. Corporate and foundation relations does a lot of work with entities like companies who want research done by us. We have a value of one [inaudible] in the community. This, some of the suggests being made about sharing, who destroyed that?"

"I would never want to denigrate or deny resources to a colleague for their research. I guess my area of concern is more on the gifts. The record of the Koch foundation where they gift, they have given money to business schools in particular to create curriculum with a very particular approach to understanding free market economics and entrepreneurship, and there are many curricular components to that. And the concern that I also have, often times historically speaking, they given small grants where there is a pilot plan and once a climate is more favorable, more gifts could follow, and those might have problematic components with regards to curriculum that I would be personally concerned about. And, just thinking about the big picture some more, I understand that the university has research funded by the military and many entities that I appreciated less than some others, but I think it is worthwhile as a philosophical and community exercise to step back and look at a pattern of commitments of the university, and see whether we think, I mean this conversation, it's not to discipline anyone, but to have a conversation about the integration of military interests, Koch foundation interests, their approach to veterans is all about entrepreneurship and make it very simple, and the university's investments in veterans is also going to be attached to that. I just think that, coming back, and seeing, what is our university about? And how are resources being used [inaudible] is a good question to ask, even though I would not want to censure my colleague for their research, I mean I would disagree with them in public about it, you know would not block resources, and I would, but I would want to see an agreement."

"I just wanted to clarify, based on Dr. Koppl's comments. One of the important roles of the senate curriculum committee. New York State regulates academic programs and in some cases for instance, doctoral programs, they regulate quite highly. You have to get a series of approvals, site visits, a lot of things in order to make a new program [inaudible]. The senate curriculum committee plays a really important role in fulfilling the university's obligation to the state department of education. That coordinating function has to be done somewhere at the university and the senate is a great place for that. But it does create an asymmetry that Dr. Koppl referred to. A very different ball game than the academic freedom that is related to research."

"I want to address this from a slightly different angle, and a different part of the report, which is to strongly support the idea of a special committee or an ad hoc committee, or whatever you want to call it. Because it's already becoming clear that the issues that you've been addressing, that the provost addressed are of concern to a lot of us, so cross the boundaries of the standing committees and can't be properly included within your purview, curriculum, academic freedom, whatever. For example, I'm concerned about other grants, you mentioned the military. I'm

concerned that we received a five million dollar grant from Walmart which may or may not have, for [inaudible], which may or may not have strings attached, which may be a wonderful thing, or may be a problematic thing. So I think this, that concerns me from the research I've done on Walmart as a funding entity, in higher education. They often have strings attached as well. I'm not saying there are strings attached to this grant. I think there need to be clear and explicit guidelines on how these grants are conceived but also how they are, how we go after grants. And I think it is not in the purview of any stand.. I've looked at the standing committees and it's all over the place. So I would strongly support the proposal that is included in the report that there be an ad hoc committee, that there be a much larger and more sweeping report to the senate, to the university, to advise the Chancellor and the Provost on overall policies, and that also addresses some of I think what Daniel was talking about."

"I guess we have to vote for it.

[inaudible]

"Motion approved."

"Is there a second?"

"Second."

"All in favor, please say aye."

"Aye."

"So, I would like us to pick up on the discussion for a minute, from talking about all kinds of grants, and this grant in particular, I've heard about programs and courses and curricular restrictions. I'm the director of the Ph.D. program with a student who is funded by this grant."

"Excuse me, could you say what Ph.D program.."

"Business administration. It's one Ph.D program. We have one student who is funded by the grant. He's completed his first year. He's going through exactly the same program as every other Ph.D student in the business school, with a concentration in entrepreneurship. We're admitting another three, will, would be coming in, and the process of admission has been identical as we have used for every other applicant in the school. So I would like to separate the philosophical discussions from the specifics on this particular grant, because what this discussion is doing is singling out one grant, bringing down at most speculations based on a datapoints, with N size of three, I don't know of, how many other schools are out there and received similar grants, so I don't know how anyone can generalize. I want to stick to specifics and tell you that there's nothing of the nature that I just heard about, programs with curricular restrictions and strings attached. So..I think it's doing a very big disservice to a faculty who is working very hard to improve the stature of the university and Whitman. The most [inaudible] person, the most accomplished person, I can expect to go after these kinds of grants, and this is really not encouraging for our faculty to do the same kinds of things."

"At this point, it seems to me that the recommender has a request for an ad hoc committee that this subject can be pursued more completely, and I think they'll be able to review the

perspective that have been offered here. We have a very full agenda, and we're going to lose people very quickly if we don't come to some kind of resolution on what we should do with the ad hoc committee."

"So this is a, I don't know anything about [inaudible]. This is an interim report. And I would like to be able to update it after I speak with the, long title, Chief Advancement Officer, and senior VP of development. I think it's only fair to bring that in."

"My other senate [inaudible] does not have motion for us to vote on, but she, her suggestion of, happily support her suggestion of, establishing an ad hoc committee, will be taken up by the agenda committee. I'm gonna take one last comment way up there, some new voice."

"Yes, I am from Whitman. I would hope that these discussions, I'm hoping the ad hoc committee is set up, that it be set up [inaudible] going after one specific faculty member, or one specific branch of an organization. Because many of you, of you are old enough like I am to remember when military, ROTC were bombed and threatened, and remember when the sciences, health care companies were threatened. It's a cycle that goes on through the university. Focusing on this one researcher, on one contract I think is grossly and manifestly unfair."

"So members of the agenda committee have an extreme amount of influence over [inaudible]. I'm going not recognize the members of the agenda committee. We're really really short in time. I'm, one last person."

"I just want to say, I think the discussion unfortunately on the issue of ideology, and as if this faculty member and this grant were singled out for the purposes of ideology. It is empirically the case that the Koch brothers have used these kinds of agreements at multiple institutions to create programs where they retained influence over faculty hiring, student recruitment, curriculum, down to the textbook level. That has been documented at multiple institutions repeatedly, so this body, the senate has good empirical reasons to question this particular grant from the Koch brothers, setting up a program a Syracuse University. Now this agreement comes to us in a context where we have had repeated challenges in living up to the norm of shared governance, and my point is, if the senate is going to fulfill its duty, somebody in the senate including the faculty members needs to set eyes on this agreement and tell the senate that in fact, it is as it has been presented to us. At that point, I'm comfortable considering the curriculum proposals that will come from this program as part of my duties as a senator. I make no judgements about the individual faculty member involved, or the value, or morality or ethics, of that person's practice, just as I would not want them doing that to me. But as a senator, I feel like I have a duty to think about the curricular development that we are obligated to review and I don't think we can do that without full information especially in this case."

"Thank you for everyone who participated. Based upon all the information we've received, the senate agenda committee, take up this recommendation of an ad hoc committee, and we will let you know."



